

UNITES STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SENACA LAVERGNE,

*Plaintiff,*

-against-

**ORDER**  
20-CV-5507 (ARR) (JMW)

SUFFOLK COUNTY POLICE OFFICERS  
CRAIG HOFER, KEVIN BELL, RICHARD  
NICOLINI, and SERGEANT TED CAPUTO,

*Defendants.*

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**A P P E A R A N C E S:**

**Alexander R. Klein**

Barket Epstein Kearon Aldea & LoTurco, LLP  
666 Old Country Road  
Ste 700  
Garden City, NY 11530

**Callan Wright Tauster**

Suffolk County Department of Law  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
P.O. Box 6100  
Hauppauge, NY 11788

**WICKS**, Magistrate Judge:

This is a civil rights action that stems from a resisted arrest that led to injuries to Plaintiff Senaca Lavergne (“Plaintff”). *See* ECF No. 1. The undersigned held several settlement conferences with the parties and counsel (*see* Electronic Orders dated 08/30/2023 and 09/12/2023), which ultimately resulted in a resolution of the dispute. Because the settlement amount of \$275,000 exceeded the statutory limit set forth by law, defendants, County of Suffolk Police Officers Craig Hofer, Kevin Bell, Richard Nicolini and Sergeant Ted Caputo (“Defendants”), sought judicial

approval of the settlement in accordance with N.Y. General Municipal Law § 6-n (9)(b). (ECF Nos. 34, 37.) *See, e.g., Loeb v. County of Suffolk*, 2018 WL 3058508 (E.D.N.Y. Feb. 7, 2018) (Seybert, J.) (approving \$1.5 million settlement in accordance with General Municipal Law § 6-n).

The Court has fully and carefully considered the submissions in support of the motion, which include:

- a) the letter of Assistant County Attorney, Callan W. Tauster, dated January 8, 2024 (ECF No. 34);
- b) the General Release signed by Plaintiff, Seneca Lavergne (ECF No. 37);
- c) the letter of Plaintiff's attorney Alexander Klein, Esq., dated November 11, 2023 agreeing to settlement (ECF No. 34-1); and
- d) the letter of Leslie Kennedy, Chairman of the Suffolk County Ways & Means Committee of the Suffolk County Legislature, dated November 16, 2023, approving settlement of the claim (ECF No. 34-2).

In addition, the undersigned having presided over the settlement conferences and considered the relative merits of the claims and defenses, including the risks to the parties, is fully satisfied that the settlement is fair, reasonable, just and in the best interests of all parties.

Accordingly, the settlement of this action for the amount of settlement TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$275,000.00), inclusive of all costs, disbursements and attorney's fees, is hereby approved and shall be paid to Plaintiff Seneca Lavergne and his attorneys, Barket Epstein Kearon Aldea & Loturco, LLP, by Defendants.

The parties' Motion for Settlement Approval (ECF Nos. 34, 37) is **GRANTED**.

Dated: January 29, 2024

**SO ORDERED:**

/s/ *James M. Wicks*

JAMES M. WICKS  
United States Magistrate Judge